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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

THOMAS GROSSI, SR.,
Defendant.

No. 04-CR-40127 DLJ

STIPULATION AND ORDER
RE: SCHEDULING

UNITED STATES OF AMERICA,
Plaintiff,

v.

\$608,916.58 IN U.S. CURRENCY, AS
SUBSTITUTE *RES*, FOR REAL PROPERTY
LOCATED AT 2638 MARKET STREET,
OAKLAND, CALIFORNIA,

Defendant.

No. 04-CV-03055 DLJ

STIPULATION AND ORDER
RE: SCHEDULING

The parties agree to the rescheduling of plaintiff's motion to dismiss the attorney fees motion and the pending motion for attorneys fees. The reason for rescheduling is that counsel for claimant Grossi and petitioner Weimer have a scheduling problem involving depositions in a different judicial district. The parties agree, subject to the Court's approval, to the following schedule:

1. On or before October 25, 2012, the United States shall file its motion to dismiss the attorneys' fee motion for lack of jurisdiction;

2. On or before November 8, 2012, counsel for claimant will file its opposition to the motion of the United States;

3. On or before November 15, 2012, the United States will file its reply;

4. On November 29, 2012 at 9:00 a.m. in San Jose Courtroom 7, 4th Floor at 280 South First Street, San Jose, CA, the Court will hold a hearing on the fee motion.

5. If the Court rules against the United States on the jurisdictional issue, the parties shall hold an in person meet-and-confer within 20 days of that ruling to determine whether they can informally resolve the fee motion. If the fee motion cannot be resolved, then counsel for the United States will notice a motion for discovery on a 5-week schedule for determination before the Court considers the fee motion. Civ. L. R. 7-2; Fed. R. Crim. P. 32.2(c)(1).

* * * * *

IT IS SO STIPULATED:

Dated: October 10, 2012

MELINDA HAAG

United States Attorney

/s/

PATRICIA J. KENNEY

Assistant United States Attorney

Attorneys for the United States of America

LAW OFFICES OF DAVID M. MICHAEL

/s/

DAVID MICHAEL

EDWARD M. BURCH

LAW OFFICES OF DAVID M. MICHAEL
Counsel for Defendant Thomas Grossi, Sr.,
and Claimant/Petitioner Laurretta Weimer

IT IS SO ORDERED:

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HONORABLE D. LOWELL JENSEN
United States District Judge

Stip & Order Re: Sched. of US Mot. to Dism.
CR 04-40127 DLJ
CV 04-3055 DLJ